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THE
ROSE:
BEING A
DETECTION

Of the pernicious Tendency of

TWO LIBELS

Lately published, *viz.*

In the OLD ENGLAND JOURNAL,

AND

A Pamphlet entitled, *The* THISTLE.

TOGETHER WITH

Some Considerations for repealing the Heretable Jurisdic-
tions reserved to the *Scots*, by the 20th Article of the
Treaty of Union.

Inter spinas Odores.

'Tis the same Rope, at different Ends they twist.

POPE.

L O N D O N:

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THE ROSE.



OF all the Vermine which infest the Ease of a free People, none are at once so dangerous or so loathsome as those which proceed from the Corruption of one of the best Things in the World; I mean the Liberty of the Press. — A Government tender of the Laws often finds Difficulty in brushing those Insects from its Borders, without endangering the delicate Texture of Liberty. — Hence it is, that in *England* the Danger of offending by the Press is less, and therefore the Evil more frequent, than in other Countries. But it may, some time or other, though, I hope, not in our Days, become a Question, whether the Patience of a Government, however tender it may be of the Laws, may not be provoked to *stretch Power* as far as the Sons of Sedition *overstrain Liberty*.

B.

When,

When, therefore, I take up the Pen for the Chastity, I take it up for the Freedom, of the Press. All right Purposes of Writing may be answered by the one; no wicked Ends of Sedition ought to be encouraged by the other.

But the Pair of Writers, I attack, have taken care to remove by their Openness all the Difficulties of a Government, cautious of pruning the Licentiousness lest they wound the Liberty of the Press. One of those Writers steps abroad under the Names of *Aretine* in *Old England*, or the *Broad Bottom Journal*, and the other in a Pamphlet which he rightly entitles, *The THISTLE*: This noble Pair of Papers, have endeavoured to crucify the public Peace between two Thieves. The Shafts of those Authors fly different ways, but are drawn from the same Quiver. Like *Sampson's* Foxes, their Faces are turned towards opposite Quarters, but the Brands of Sedition meet in their Tails. Driven by other Men's Guilt, impelled by their own Hunger, they run to spread the Flames of Faction over the Face of the Land.

In former Days, when private Characters were thought to be touched, even by the best Writers of the Age, the Author's Person was disliked, while his Wit was admired. But each of these two Drawcansir Politicians aim the Weapon at a whole People, and seem with *Caligula* to wish that they had but one Neck, that it might be cut off by one Stroke.

Their

Their Dulness is indeed an Antidote to their Malice with all who can think or judge, but it is with Concern I observe, that the Dregs of Civil Commotion, like those of a Fever, are ever the most dangerous. The *English* still retain that Placability in their Dispositions for which their *Saxon* Forefathers were noted. Their Resentments are apt to lessen with their Dangers ; their Compassion to return with their Safety : This Softness makes their Minds the more susceptible of Impressions ; credulous Pity yields to the Tale of feigned Distress ; and Judgment sinks under imaginary Woes. In this critical Disposition are the Minds of the Public at this very Juncture ; and though the Execution of the two Libels I have mentioned is contemptibly poor, yet must it be owned that their Design is ingeniously wicked.

The Reader, therefore, is not to expect that in what I am now to offer to the World, I shall have principally in View either the Persons or Performances of my two Antagonists. It is the *Intention*, with which their Libels are thrown out, that I am to combat ; I am to obviate the Prejudices which Credulity has swallowed ; I am to pull off the Mask which Sedition wears.

That the two Libels are wrote with the same View, if not by the same Person, is, I think, beyond all manner of Doubt. Few

Gentlemen are so unacquainted with the History, as not to know, that the sowing popular Divisions betwixt the *English* and the *Scots*, has been ever a capital and successful Maxim in the *French* Government. By this Art, she often prevented, and sometimes recovered from, Conquest. The Dissimilarity of Manners, Languages, Laws, and at last of Religion, betwixt the two People, afforded the *French* but too good Reason to hope for Success; and I must be free enough to own, that I wish the Union had carried the Coalition of *Inclinations* as far as it did that of the Interests. In this respect it left the Door open to *France* to repossess her Arts.

I will not go so far as to affirm that *Cleveland*, Mr. *Aretine's* Bullyback, was employed by Cardinal *Richlieu* in the unhappy Times of King *Charles*. He was a frantic Wretch, but had more Wit than *Defoe*; and perhaps his Lines, which for that time are of tolerable Versification, might have some Influence with the lower Sort both of Cavaliers and Roundheads. But it is certain he was despised by Men in higher Ranks; for when an officious *Scotch* Officer had taken him Prisoner, and brought him before General *Lestly*, the General ordered the Officer about his Business, and to suffer the Fellow to go and sell his Ballads. *Defoe*, a pillory'd Wretch, who had served and betrayed all Parties, when driven
from

from *England*, took refuge about the Year 1706 in *Scotland*, where he was maintained by *French* Pay and *French* Partisans: His Pen was then employed to raise a Dislike in the *Scots* against the *English*, with a View of obstructing the Union. In this Design he exhausted all his little Stock of Wit, and his large Fund of Scurrility, which has, we see, so embalmed his Memory, that his *True-born Englishman*, the most stupid Libel in Verse that ever appeared, is again brought to light, adapted to the same infamous Purposes for which he meant it; and by the only Writer of the Age, who perhaps is his equal in Genius, as he is his Successor in Office.

Those Particulars are the more material, as the Writers in Question have done no more than given us a dull Commentary upon dull Verses; and as they shew of how old a Date in *England*, the Practice, is of Libelling a whole People.

Having gone thus far, I shall now endeavour to open the Eyes of the Public, by shewing both Performances to have the same Tendency; and proving, that neither *France*, nor the Disaffected amongst ourselves, can play their Cards better than to stir up, or to revive, national Animosities; and that, in effect, it is all they have at this Crisis to depend upon. If I make this out, the Thing will speak itself; it is sufficient if I strip the Back of Sedition,

dition, let others apply the Lash of Chastisement. The Horror of so foul a Prospect as I shall lay open, will strike every virtuous *Briton* too deeply, for me to fear that there will be much occasion to repeat, or to repay these Insults to Decency and Common Sense which appear in Performances, which not only are uninspired by Wit, but unsupported by Facts.

For the Ease of my Reader, I shall bound the Review I have to make within so near a Distance, as the breaking out of the lately suppress'd Rebellion. There is nothing more certain, than the Hopes which encouraged the young Pretender, were founded upon the animated Opposition which two Ministers had a few Years before met with, and to which they rather *yielded* than *submitted*. A Person bred up in arbitrary Countries, and with arbitrary Notions, cannot conceive the Difference betwixt *Opposition* and *Rebellion*, nor betwixt Dissatisfaction and Disaffection. He looks upon every Paper published against the Minister as a Trumpet of Defiance to the Sovereign. So strongly impressed was the young Pretender and his Adherents with those Notions, that there was not a Paper of Note in the Opposition, from the Time he came to *France*, to the Time of his Invasion, which was not, by his Order, translated and sent to the Court of *France*. Nay, when he came to *Edinburgh*, his first Care was there to reprint (which is in
several

several People's Hands) a whole Collection, in one Pamphlet, of the *best Things* that had been said against the late Ministers. This had such an Effect upon the barbarous ignorant Chieftains, who joined his Standard, that they thought they had no more to do but to enter the Seat of British Power, and that the Dragon of Liberty would fall at their Presence.

Happily, they were disappointed; not only the *English*, almost to a Man, but all the *Scots* who had ever relished the Sweets of polished Life under a free Government, disclaimed or disdained the Attempt; but the Rebels could not believe them in earnest till they made the Experiment; they marched into *England*; into its very Heart; but to their Amazement found the Government so firm, that, here, scarcely a Breath of Sedition stirred.

While Matters were at this Crisis, it is notorious to every Man who can remember what passed thirteen or fourteen Months ago, that the Whispers which are now spoken out in Print, began to run through all the Coffee-Houses in *London*. The Agents of Treason bounded their Ball from opposite Corners. While playing the same Game they mingled with the least discerning and most fiery of either Nation. With the *English*, the Cry was, " That all the *Scots* were Rebels in their
 " Hearts; that they were an ungrateful and
 " perverse Generation, and that the Nation
 " never

“ never could be happy while so many *Scots* “ were employed.” This Cry was taken up by indiscreet Zeal, and pursued to the greatest Length; nor do we know whom it might not have hunted down, had it received the smallest Encouragement from the *English* Ministry, or by Men either of Sense, Probity, or Property in the Kingdom.

The Game of those who herded with the *Scots*, was to ply them with eternal Alarms, That the Articles of the Union were broken; that there was a certain Design to render *Scotland* a Province of *England*; to deprive her of all her Trade; to turn out every *Scotchman* who held a Place of Trust in the Church, State, or Army: At last, they became bold enough to give out, that there was a Design on foot even to Massacre the *Scots*; and nothing is more certain that an Association was proposed to be entered into by all the *Scots*, who were in or about *London*, and who were computed to be about thirty thousand capable of bearing Arms. But the sanguine Hopes of the Faction were disappointed in this dangerous Measure: The People were too cold, too cautious, and too contented, to venture upon it; and, excepting from a very few weak Heads, it received no Sanction, but from the avowed Enemies of the Government.

In all those Practices, it was not enough that the one Nation should be exasperated;
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the Work was but half done, if they did not meet one another half way ; the Business was to abuse the *Scotch* as well as the *English*, and the Cry being propagated, the Ends of the Faction were either way answered. It was expected that mutual Distrust would proceed to mutual Hatred, and then to mutual Disfention.

The Success of the Battle of *Culloden*; the Severities, which are on such Occasions partly necessary and due to Justice in the General, partly inflicted by Wantonness in the Soldiers, provoked by the Hardships he had suffered, and flushed with the Success which his Courage had obtained, gave a fresh Handle to the general Cry, *that the Scots were to be extirpated*. I would not load the Measure of the Unfortunate, but it is well known how the same Art had been practised during the Rise, and through all the Progress of the Rebellion. It is no Secret how the Affections which almost every Man has for his native Place, were worked upon by certain Chiefs, who found it necessary to animate their Reluctance by quickening their Spirits, with that darling Motive of preserving themselves to their Country, and their Country to themselves.

As the above Deduction consists of well known Facts, the Application of them to our present Situation will unravel this whole Mystery of dark Iniquity.

The Government, by a persevering Caution, made no Distinction of Rewards between the North and South *Briton* who had done his Duty. The Disaffected did not see one *Scotchman* lose his Place in the Government, or degraded from his Rank in the Army: They saw the Hands of the loyal *Scots*, by the Wisdom of his Royal Highness the DUKE, strengthened with new Accessions of Power. They beheld Protection go hand in hand with Allegiance. — They saw, that excepting one noble Person bred up in the Bosom of the *Romish* Church, with *French* Education, not one Man of great Property, not one professed Friend to the Government had appeared in Arms under the Pretender's Banner. They perceived that excepting in those Wilds which were the immediate Object of Chastisement, all was safe, easy and quiet: That Agriculture had resumed its Labours, and that Commerce had returned to its Channels. They could not give an Instance, I will not say of *Severity* but of *Distrust*, shewn by the Government to any one *Scotchman*, who had remained, even, unactive during the Rebellion. This Conduct disappointed and exasperated the Faction. The Lyes of the Day were now exhausted; the important Whisper had lost its Force, and the confident Calumny, its Credit. Then, what is to be done to restore the desponding Faction? What Cordial can revive the drooping Cause?—
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They fly to the Press. The stale Story is repeated; the *Scots* are grossly abused; no Exception of Person; no Decency for Characters, is observed. But the Clumsiness of this Abuse must have lost all its Efficacy, unless it had been thought to come from some eminent Hand, who was employed by the Government “to pickeer” (that I may use the *Thistle’s* Words) “as a forlorn Hope with a People” “doomed to be suddenly attacked by a much more formidable Force.” Though this is a Suggestion that supposes the Government not only void of Honesty, but of common Sense, yet without such a Suggestion, the Scheme must have fallen to the Ground. Unless they had gone so far as to affirm, or, at least, to insinuate, that the Government was so infatuated as to divulge to the World, what in Prudence, if it had any Design upon the Liberties of the *Scots*, it ought to conceal, the Calumny could have no Effect. Therefore the Pertness of the one Performance kept up with the frantick Scurrility of the other. They agree, only, in Dullness and Design. A Peer, a Prelate, or a Judge, must be understood as the Author of the Paper. Great Care must be taken least, instead of a Peer, some starving Prostitute of the Pen; instead of a Prelate, an abandoned *Irish* Priest; instead of a Judge, some dirty discarded Limb of the Law, should be discovered to be the Writer. But the World

has the Word of an inveterate Opponent that the Thing comes from very high Hands ; and after the Testimony of an Enemy, who can disbelieve it ? After so many fair Hits as Mr. *Thistle* has given Mr. *Aretine*, who can imagine that they are not in earnest ? Who can suspect that they have copied their Practice from Men of a much honefter Calling than themselves, I mean the Common Pickpockets, who by a sham Quarrel make a Buffle in the Streets, and get a Crowd about them while their Confederates are busy in examining the Purses of the gazing unsuspecting Vulgar.

If one was obliged to support Allegations, which, I think, speak for themselves, by any Particulars in the Pair of Performances now under our Consideration, nothing can be more easy than to prove the Confederacy ; how the one lays himself open to the other's Blows, and how Mr. *Thistle's* raving Zeal improves the Advantages, which Mr. *Aretine's* unguarded Scurrility gives him.

Mr. *Aretine* bellows out “ That the *Scots*
 “ are extremely national, proud and poor, rest-
 “ less and overbearing in their Temper, and
 “ unsufferably insolent in their Manners in
 “ every Station. That their Hatred of the
 “ *English* is implacable, and implanted in their
 “ Nature, descending from Father to Son,
 “ and is not confined to any particular Sect
 “ or Religion, but is diffusive and general.”

But

But he takes Care in the very next Sentence to tell the World, that they have a *natural Attachment to their own Race of Kings*. The Meaning and Design of these Words want no Commentary. *Hoc Ithacus Velit*. Were the most ingenious Jesuit to hammer for Thoughts to serve the Religion and Politics he espouses, he might indeed put them in cleaner Language, but he could chuse none more proper at this Juncture, for exasperating the doubtful Part of that People into Disloyalty, and awakening in the others, all the Principles which have so lately made this Land of Peace and Liberty, a Theatre of Bood and Com-motion.

But, least the Hint should be lost with vulgar Readers, Mr. *Thistle* explains and enforces it from another Quarter. He roundly falls foul upon the *British* Parliaments. He does not meddle with this nor that Party, with one Minister or another, he boldly raises the Banner, and sounds the Trumpet of Treason. He tells the World, “ that Parliaments have “ made so free with the Essentials of the Con- “ stitution, that they are now forced to botch, “ to weaken, and to impair the Body Politic.” He desires the Public “ to cast its Reflection “ back to the last Century, and to compare “ the then present State of our Constitution, “ to see what we have gained by the Omnipot- “ tence of Parliaments from that Period to the
pre-

“ present : Can we say, continues he, that
 “ our Constitution, after all the Quackery of
 “ our State-Physicians, is wholesomer, sound-
 “ er, and better fashioned and adapted to the
 “ Maintenance of the Public Safety and Hap-
 “ piness, than it was some Time in the last
 “ Age ?

My Intention in these Pages is not to endeavour to reclaim the inveterate Hereditary Jacobite from his Opinion, but to guard the Unwary and Well-meaning from Imposture. I speak to the latter, and ask him, whether, if he did not see and read this worse than seditious Rhapsody in Print, he could believe that, at a Time, when the bleeding Wounds of his Country are just closing, when the Scene of Civil Commotion is just ended, so audacious a Libel against the Revolution, and all the Establishment since, durst have appeared in public ? Can it be said, that the Suspension of the Habeas Corpus Act curbs the Liberty of the Press, when it is plain that that Suspension cannot restrain its Licentiousness ? In the Name of Goodness, what has this treasonable Defiance to do with the Cause for which Mr. *Thistle* pretends to take up his Pen ? If it has nothing to do with that Cause, why was it thrown out ? His own audacious Libel answers his own Questions ; for in those Times he so furiously recommends, who durst have ventured, as he does now, upon the Strength
 of

of the Liberty we constitutionally enjoy, to have carried Controversy into Invectives, and Invectives into Treason?

Had Mr. *Thistle* been, in earnest, the Antagonist of Mr. *Aretine*, would he not have taken Notice of that indiscriminate Definition the latter gives of the *Scots*; of their Hatred to the *English*, of their Attachment to their own Race of Kings? But Mr. *Thistle* is so far from opposing this infamous Assertion, that he admits and confirms it in almost every Sentence of his dull Performance. He says, in effect, that all the *Scots*, but a few Villains, who have been corrupted by *English* Gold, had those Aversions and Attachments. “ The
 “ *Scotch*, says he, were tempted, yielded, or
 “ you would have had no Union; and consequently no Rebellion; and let me add, if
 “ they had not been apt Scholars, and learned
 “ the *English* Arts, secret Arts of gently touching, and being touched in the Palm of the
 “ Hand, their late Rebellion would have worn
 “ another Sort of Aspect, and perhaps, the
 “ Name of Rebels would have been *restored*
 “ back on others.”

After this Quotation, can it remain the least Doubt with any Man of common Sense, that Mr. *Thistle* labours in the same Bottom with Mr. *Aretine*; that though their Faces are opposite to one another, yet the one pushes and the other draws the Oar, but guides the
 Vessels

Vessel of Sedition against the Stream of Virtue and Liberty.

Mr. *Aretine*, says, "that a *Scot* is a natural hereditary Jacobite." How does his friendly Opponent answer this Accusation? Why truly by saying, almost in Terms, that the *Scots*, who are not Rebels, are Rascals. He will not suffer the Battle of *Culloden* to be gained by the Valour and Conduct of his Royal Highness the Duke, without the Assistance of Corruption amongst the Rebels themselves. Though this ridiculous Insinuation scarcely deserves Mention, far less Regard; yet it serves to shew the Virulence of those who suggest, and the Weakness of those who believe so infamous a Falshood. But it has been both suggested and believed, and the Weight of Suspicion falls chiefly upon one honourable Person, who had a distinguished Rank in the Rebel Army. Yet the Rebels themselves, even those who have most Reason to curse the Event of that glorious Action, allow, that there was not a Man on their Side, who that Day exposed his Person more gallantly; who was in a more imminent Danger of being cut to Pieces; or did more for restoring the Credit of their baffled Arms, than the very Person thus suspected. As this is a Fact easily to be proved from the Mouth of any Rebel Prisoner, who was present in that Action, we must conclude that
the

the whole of the Suggestion is a Contrivance to tarnish the Lustre of the *British* Arms, and the Glory of his Royal Highness.

But what will not Credulity swallow? A disappointed, defeated Party will have recourse to the Devil himself, rather than acknowledge their Defeat to be owing to the Courage and Skill of their Enemies. I remember to have read, in a History of *Oliver Cromwel*, that when he defeated King *Charles* at *Worcester*, his Army was composed not only of the finest *Veteran* Troops in *Europe*, but was three times superior in Number to that of the King, who commanded only about twelve thousand raw undisciplined Men. But the same Writer, rather than allow that the Battle was won by Address and Discipline on *Oliver's* Side, makes him, in a little Wood near *Worcester*, strike a Compact for Victory with the Devil. But this, ridiculous as it seems, is not more absurd than the Impudence of our modern Jacobites, and the Enemies of his Royal Highness, who ascribe to the Force of mean Corruption, what was owing to the Superiority of military Virtue.

Mr. *Aretine* says, that the *Scots* are irreclaimable by Acts of Lenity, "and Generosity, and friendly dealing:" His amicable Antagonist opens upon this Scent, he displays his Throat against the Affair of *Glenco*, in

D

which

which it does not appear that one *English* Minister or Officer was concerned; and he rails at the Consequence of the Battle of *Culloden*, as if our Army had been sent not to subdue, but to treat with Rebels who still kept their Arms in their Hands, and disdained Submission, even after Proffers of Protection.

Mr. *Thistle* next calls in those trusty Auxiliaries, the *Irish* Papists, to the Assistance of the *Scotch* Jacobites. He endeavours to unite them in the same Cause, and without the least Attempt to prove what Connection their Case has with that of his Subject, he lugs them into the common Quarrel.

There is not, perhaps, any one Practice in Life, that betrays a greater want of Sense, Education, or good Manners, than that of casting Reflections out against a whole Nation for the Sake of a Few. There is not a Man, who walks the Streets of *London*, who does not perceive how much more clean and expert every Oyster-Woman, and every Porter is at this Exercise, than our Pair of Authors. I am so far from vindicating the Oppressions the *Irish* may labour under, that I am sorry for the Necessity there may be, why some of the Papists in that Country have put it out of an *English* Protestant Government's Power to suffer them to enjoy the full

full Benefit of that Constitutional Indulgence which distinguishes a free People : But what has this to do in the Case betwixt the *English* and *Scotch* ; united by a solemn Act, as one People ; and by the very first Article of that Act, even the Distinction of Names taken away.

Dare, therefore, an *Englishman* say, that the *Scots* are Rebels, because that Part of them who live the Life of the *English* three hundred Years back, by the Misfortune of that Constitution, which the Government of *Great Britain*, out of Reverence to public Faith, has not ventured to alter, are still under some Powers of Vassalage ? Dares the *Scotchman* to call the *Englishman* an Oppressor ; because, Industry and Commerce has substituted Money in the Place of Labour and Dependance, and have supported Agriculture by Arts and Manufactures ? Let the warmest *Englishman* deny that the *Scots*, as an Nation, have ever been as early and as active in the Cause of common Liberty, that they have maintained it with equal Zeal, and in as bloody Fields as the *English* themselves ? Let the most prejudiced *Scot* shew any one Infringement made in the Articles of the Union, any Distinction that has been made in the common Interests of the United People, or the Shadow of a Loss, which the Northern Part of the Island has suffered by

its Incorporation. The Cool, the Dispassionate, and the Candid can point out many Advantages accruing to the *Scots*, and many Inconveniencies from which the *English* are free by that Act; but the most partial, the most zealous Jacobite cannot instance one Prejudice resulting from it to either Nation.

If, before that, they had Jarrs and Dissensions, that is no more than ever attends a Vicinity of Countries possessed by different People. The Affair of *Darien*, which Mr. *Thistle* has impertinently brought in, was owing to the over-hastiness of the *Scots*, who, by possessing that Isthmus, might not only have injured *English* Commerce, but endangered the common Liberties of *Europe*, by a Breach with *Spain*, which no Justice warranted, and no Provocation demanded.

On the other hand, two Rebellions have broken out in *Scotland* within little more than these thirty Years: But their Complexions were so different, that they fully confute all Reflections upon the present Body of the *Scotch* Nation. That in 1715, happened in seven or eight Years after the Union, before the Prejudices of the *Scots* for resigning the Name of their Independency, and the Forms of their Parliaments, were worn out. Hence it happened, that the Lowlander was as deeply engaged in that Rebellion as the High-

Highlander. Men of large Properties, great Estates and numerous Followings embraced the abjured Cause, and the scarcely-settled State of the *British* Government flattered them with a Prospect of Success. But even in that Rebellion, five Parts in six of that People remained uncorrupted in their Principles, and unshaken in their Allegiance.

The Rebellion, which broke out in 1745, presented a very different Appearance. The Distance of thirty Years had mellowed down the Acrimony of the more polished Part of *North Britain*. The People there had found the Benefit, they had tasted the Sweets, of the Union. Money lost, as Industry acquired, Value. The Farmer, by the Influx of *English* Improvements, learned how to pay his Rent, not in Labour, but in Coin. The Landlord perceived that cultivated Grounds and elegant Life, brought more true Comforts, and gave him greater Weight in the World than ever his useless Vassalages, or barbarous Dependancies had done. Hence it was, that, amongst all the Lowland *Families* of Quality or Consideration, which the Lenity or Indulgence of the Government had spared at that time, none, or next to none, among their Descendants, joined in the last Rebellion. Nay we saw most of them venturing their Lives and Fortunes in the Cause of Protestant Liberty,

berty, while every one of the Government's old
 Friends remained in their Principles, the same
 in 1745 as they had been in 1715; and even
 in the Highlands, the Springs from whence
 Disloyalty had drawn its greatest Support in
 1715 were open'd for the Government in 1745.
 The Families there of the greatest Figure and
 Property, who had been formerly disaffected,
 now distinguished themselves on the Side of
 Freedom; and the Rebels were driven to other
 Resources. The Gold of *France* enabled them
 to enlist many petty Chiefs, whose Poverty
 did not suffer them to stir in the Rebellion of
 1715, which was more starved by the *French*
 than the late Insurrection was, and which de-
 pended for Support chiefly on the Properties
 and Purfes of Natives. Hence it was, that
 in the last Rebellion, the Name of Clans
 and Chieftains were heard of that had scarcely
 ever before reached the Ear of a civilized
Briton. The Highlands, like *Hungary*, but in
 a worse Cause, poured out her *Croats*, *Pan-*
dours and *Sclavonians*; Swarms of Nations, till
 then unknown, overspread the Face of the
 Land; while Modern, like Antient, *Rome*, em-
 ployed Vassals and Slaves to be the Instructors
 and Refiners of a free and a happy People.

I neither can nor will dissemble, that our
 Constitution must ever be subject to those
 Convulsions, while that Part of the Nation
 lives

lives under the very Yoke which pressed the Necks of our *English* Forefathers, who so lately, and so bravely shook it off; I mean foedal Tenures. Where, Labour has no Price, Industry no Reward: Where, the Superior knows no Restraint but his Weakness, and the Tenant no Property but his Misery: Where, the Soil never felt the Hand of smiling Culture, and the Sun never saw the Face of honest Independency: Is it any Wonder, that the Arts and Gold of *France*, should quickly mould such a Race to her own Purposes? Or, are we to be surprised, if she renews the same Game, as long as the same Circumstances of Misery subsist, and as often as the like Exigencies of Policy happen?

But it may be said, that many of the Low Country Inhabitants joined in the Rebellion. I own that some did, but where is the People that are without debauched and desperate Persons amongst them? The broken Fortunes of some, and the perverted Principles of others, brought a few of the more civilized *Scots* to the Pretender's Standard; but they were so few, that they scarcely deserve the Name of an Appearance. If a *Catiline* could find Confederates in *Rome*, can a Pretender be without Followers in *Britain*? The Seats of Luxury ever border upon the Mansions of Want. The Poor and the Profligate will ever
join

join the Disturbers of a Country's Peace, whether the Invasion came from *France* or *Turkey*; and Enthusiasm will burn or bleed for her Principles, whether she draws them from *Rome* or from *Geneva*.

But, after all, upon what Grounds is this Distinction founded, that the Faction for which those two Wretches labour, have so industriously endeavoured to establish, I mean the Difference betwixt the *Scots* and *English* as two People? Is there any justifying Mr. *Aretine*, in wrapping up all the *Scots* without Distinction, in his Sheet of low Ribaldry and coarse Defamation? No, the Thing itself is too extravagant to gain *Credit* with any but the lower Sort. This wretched Performance must have been lost, even upon them, had he not overloaded it with Scurrility; and it must have been doomed to the same Neglect with all his other Productions in that Journal, which he, in vain, endeavours to reanimate. He falls foul upon a Gentleman of the Law with the same Intention, that the Fellow who was a-dry after being drunk, called out Fire, that he might awaken the People of the Inn where he lay; and meer Curiosity to know what can be said upon so unexceptionable a Subject, as is the learned Gentleman, whom he has chosen to abuse, has procured him abundance of Readers.

On

On the other hand, if Mr. *Thistle* meant no more than to take up the Pen in Behalf of the *Scots*, who were honoured with the other's Abuse, what Occasion had he for falling as frantically upon the *English*, as his Antagonist had upon the *Scots*? Could two such low Wretches flatter themselves that they could establish a National Destruction by their sham Quarrel? Or can any Gentleman be weak enough to embrace in his Closet, the Sentiments of a Fellow, whom he would disdain to converse with in a Coffee-house?

It is in the Power of every Writer to dip his Pen in Venom, if he cannot in Wit. The Saw, as well as the Razor, may be anointed with Poison. Mr. *Thistle* raves against the *English*, as *Aretine* does against the *Scots*. But who are the *English*, and who the *Scots*? The Posterity of those who sold, bought, and beheaded their Sovereign, are obliged indeed to *mourn*, but not to *answer*, for that Tragedy. Is no Distinction to be made betwixt the Body, and the Government, of a People? Admitting *Glenco* to be a cruel Massacre, supposing the Treaty of *Worms* to be a bad Treaty, what have the People of *England* done to be saddled with the Blame of either? Mr. *Thistle* says farther, that an Attempt was made by the *English* to disenfranchise the City of *Edinburgh*; but as he has not told us, that that

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Attempt was carried into Execution, does he not reflect a tacit Praise upon those whom he abuses, since it is certain, that if they had had the Inclination, they were not without the Power? But, I believe, the most National *Scot* will not venture to blame the Result of the *British* Parliament's solemn Deliberations upon that Occasion.

Mr. *Thistle* has talked of *English* Plotters in the Time of *Charles* the Second, but how does that affect the *English* Nation? Were I to write or talk of his own Countrymen, would he take it well if I should lump them by the Name of *Irish* Papists; or rather, how would he rave, if I should distinguish them as Protestants only?

Tired as I am with this illiberal Stuff, I cannot part with it before I put the Reader once more in Mind, that as neither Mr. *Arctine*, nor his Antagonist, could be in earnest as to their Subject, I hope, I have but done them and the World common Justice, in exposing the mean, yet dangerous Tendency of their Design. Could the Enemies of our present happy Constitution once establish a National Distinction betwixt the two People, we might indeed retain our Liberty, but we could not our Peace. Insidious *France* would supply the Brands of Civil Dissention, she would spread its Blaze, she would feed its Fury, she would

would watch the fatal Crisis, when *Britons*, weakened by fighting for Freedom or for Fetters might become, at once, the Prey and Scorn of her insolent Ambition.

But I shall now turn my Discourse from the Public, and address myself to the Pair of *Fratres Fraterrimi*, this Duumvirate of Importance; and give my Reasons why I have used them with so little Ceremony. Where there is the Appearance of a good Intention, enforced by Argument, Reasoning, Learning, or Wit in a public Writing, the Obscurity, the Meanness, or even the Venality of the concealed Author, can never make that Writing have the less Weight or the less Esteem in the World: It will always claim the Regard of Mankind, let it come from clean or dirty Hands: The impartial Public will consider the Performance only, and not the Person. That little Instrument the Quill, like the Art of *Archimedes*, has often, even in this Nation, shook the Basis of mighty Designs; it has unmasked the wicked Minister; it has discovered the pernicious Plot; it has overthrown the destructive System.

But Gentlemen, (for a Gentleman is, you know, a good travelling Name) where in the Name of Dullness is the Scope, the Sense, the Meaning, the Merit, of your Writings? That both of you are mean mercenary

Wretches writing for Bread, paid by Sale of your Performances, encouraged by a desperate Faction, and yourselves desperately drawing the Pen for meagre Subsistence, is evident not only from the Matter, but from the very Manner of your Writings. As to the Matter, is there in it a Shadow of Sense; is there an Attempt to reason? Both of you fight under the stale, the trite, the common-place Wit, of two execrable Rhymers; who, like you, recommended themselves, by venturing their Necks that they might be read. The one was a despicable Poet, the other a pillory'd Pamphleteer; and the only Symptom of Modesty you discover, is, that neither of you venture to quote your Authority; but have been humble enough to attempt to leave the Public in a Belief that yourselves are the Authors of the matchless Verse, as well as of the inimitable Prose.

You have not therefore, Gentlemen, a Right to deserve you should be treated upon any other Footing than that of Incendiaries. Your Writings are not a Degree above the Stile of their Letters; your Intention is more villainous than theirs. They, like you, when brought into Judgment, employ the Time of their Betters in reading their Performances, and pronouncing their Dooms. They menace, sometimes, what they do not mean to execute;

cute ; you mean always what you cannot effect. They threaten a Family, you, *a Nation* : Want is all the Mitigation you can urge as an Excuse, Impotence is the only Plea you have for Pardon ; and Dullness your only Refuge for Safety.

But, Gentlemen Writers, if you were really so distressed, that you were obliged to fly to a Printer or a Party for Subsistence, why did you not with greater Safety to your own Persons, with more Honesty towards the World, like your Brother Incendiaries, desire the Public to leave a little Money at any certain Place to relieve a Couple of distressed Authors, who must otherwise be obliged to attempt to throw the Nation again into Flames, Blood, and Confusion. As you did not that, your Brethren behave more like Gentlemen than you did. They never employ the Torch till their Pen is unsuccessful ; but you carry both in one ; you apply both at the same Time ; tho' the Train fails, yet the Letter takes ; and by the Curiosity of the Public, who buys Papers, you indemnify yourselves for it safely.

That you have Abettors, as well as Readers, is but too visible. But the Spirit from which you are abetted, is detestable enough to make even Barbarity blush. There is not a Nation so unpolished, there is not a Sett of Principles so inhuman, as to exclude from the Breast
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Sentiments of private Affection and Compassion. But nothing is more plain from the daily Discourses and Writings of the Party, that the Enthusiasm of the staunch *Jacobite* is as unsubmitting to Principles of Humanity as of Government, while their unhappy Brethren are now lying under the uplifted Sword of Justice; while the Sovereign suspends the Stroke which their Country has aimed; while Clemency averts the Calamity which Judgment has decreed; while, by an unexampled Lenity, after suppressing daring and unprovoked Rebellion, the highest Power has checked its Thunder, and seems inclined to lay aside the Bolts of Vengeance against a prostrate Foe; I say, even in those Circumstances, the Faction who have yet had the Art to screen themselves from public Justice, dares, by their insolent Behaviour, to tempt the Patience of Government. They dare to provoke its Resentment upon their unhappy Friends; and they are wicked enough publicly to declare that they do not value what becomes of the miserable Sufferers; nay, to go so far as to wish Justice to have its Course, that the Frequency of Executions may render the Government unpopular. Such are the Principles, and such is the Practice of the true *Jacobite*, when not himself in immediate Danger; and from what School they are borrowed let the Miseries propagated amongst Mankind, by Priests and Jesuits, declare.

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I now make bold to turn me from the Bar towards the Bench. But with a trembling Hand, with conscious Inability, I guide the Pen which is to address the Public of *England*. The Man who demands an Audience at that awful Tribunal, however he may borrow his Powers from Nature, should receive his Instructions from the Heart. From that Sovereign within himself he ought to write, and to the like within others he ought to appeal. I repeat it, that I think the hereditary, the principled *Jacobite* is not to be either reclaimed or reasoned with; but it is not from those that the Government can be now endangered. It is from those who take up, or lay aside, their Principles as Calumny suggests, as Ignorance conceives, or as Conveniency prescribes. Insensible of the Gradation from Disatisfaction to Disaffection; unknowing where Liberty ends, and Licentiousness commences; many have rushed from *disliking Measures*, into *hating Persons*; and some from the Principles of Resistance, which Nature and Liberty warrant, have been hurried into the Practice of Rebellion, which Reason and Religion disclaim. But let such ask of their Hearts, whether the Government, under the August House that now sways the *British* Sceptre, has ventured upon those fundamental Violations of the Constitution, which make Professions lose their Faith, and Treason its Name?

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I forbear to go into the trite Practice of numberless Exemplifications in the Negative of this Question. I am far from being one of those who deny that the Jealousy of the People has been sometimes warrantably, virtuously, nay critically alarmed, even under the *Protestant* Succession. But I deny that that Alarm was ever attended with the real Danger that warrants the Resistance of Power to prevent the Dissolution of Government. The Aim of the last Rebellion tended to the fundamental Ruin of every Guard to private Property, of every Fence to public Liberty, that the Labour of Ages, the Blood of *Britons*, and the Wisdom of our Ancestors had won, had preserved, and had established. It tended to dissolve that even Tenor of Government, that happy Temper of Constitution, which blesses *Englishmen* beyond all that the Profusion of Nature, the Richness of Soil, or the Serenity of Climate, can bestow.

The Blessings of Liberty are such, that a generous Mind alone can either confer or relish them : But it is with *English* Liberties as with *English* Fruits ; tho' some were *indigenous*, and coeval with the Soil itself, yet it was Care, it was Culture, it was the happy Hand of Industry, it was the deep Engraftment of Judgment, which nursed the tender Bud, which spread the glorious Bloom, and matured the generous Produce. And shall the Sons surfeit upon

upon what supported their Forefathers? Shall the Enjoyment of this best of Blessings be more fatal to us, than its Acquisition was laborious to them? Yet this must be the Case, where Reflection is lost in Happiness, and the Sense of Gratitude banished by the Removal of Danger.

The Charm of a virtuous Enjoyment flows equally from communicating as receiving Happiness. The great Deliverers of Mankind, the successful Improvers of Nature, borrow their Fame from the Happiness they give to others; and I must be free enough to own, that the present Legislature of *Great Britain* have but too many and too melancholly Opportunities of acquiring Glory by the same Means.

I am in hopes that I transgress upon no Duty, that I violate no Deference which is owing to any higher Order, when I open what I have already touched, and explain what Disaffection endeavours to misrepresent, and Ignorance is ready to misapprehend; it is immediately connected with my present Purpose, as it is under the uninfluenced Deliberations of my Betters.

I have already expressed my Wishes, that the Union had been more compleat than it now is; and have hinted that its Defects are owing to the Dissimilarity between the Civil Government, or rather the civil Systems of the

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English and the *Scots*. That the latter received the Feodal Law more early than the former, is beyond all Question ; it is equally certain, that they received it with greater Imperfections than the System introduced with the *Conquest*, or rather the *Acquest* of *England* by the *Norman*. But the older it was, it had taken the deeper Root below ; and its destructive Qualities above, like a baleful Shade, blatted or burnt up all that grew beneath. Hence Rebellion and Rapine, with all the Evils of Subjection, Oppression and Murder, with all the Train of Tyranny, were familiar to a People, whose Boast was the Greatness of their respective Leaders, and whose Misery lay in the Strength of regulated Government.

To remedy those Inconveniences, the Crown pursued a Method which served to increase, nay, to perpetuate them. It delegated its own Powers of Jurisdiction, not as in *England*, to Barons of great Property and Power, and who were under no Temptation of abusing it in small Matters, from whence the general Grievances of Inferiors arise, but to petty Proprietors, whose Estates and Riches became at last to lie not in their Land-Estates, but in the Quantity of Jurisdictions they enjoyed, and in the Number of Vassals and poor People, whom they had the Power of oppressing, of fleecing, and of commanding.

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The Practice of granting away those Powers of Jurisdiction, was at first confined to those Places of the Country which were least accessible to the Execution of Justice from the King's Courts; but in time it became common to all Parts of the Country, even the most civilized. Thus the Landholders in *Scotland*, getting into their Hands a Power equal to regal, it was no wonder, if at the Time the Union was concluded, they made it a Point that they should enjoy those unconstitutional Powers after the Time of that Act's commencing; and accordingly they obtained the following Article, which is the Twentieth of that Treaty, *viz.*

‘ That all Heretable Offices, Superiorities,
 ‘ Heretable Jurisdictions for Life, be referred
 ‘ to the Owners thereof, as Rights of Property,
 ‘ in the same Manner as they are now enjoyed
 ‘ by the Laws of *Scotland*, notwithstanding
 ‘ this Treaty.’

Thus the Act of Union, to which the *Scots* owe so many intrinsic Advantages, continued the Yoke upon the Necks of the common People there, under which the Ancestors of the *English* Commons had groaned, during the oppressive Exercise of the Feodal Law in *England*. Their Liberties, their Properties, nay, their Lives, were at the Mercy of the Proud, the Poor, and the Partial amongst themselves.

The supreme Court of Justice in that Country was cramped, nay sometimes insulted by petty Officers, or Heretable Proprietors of Jurisdiction, who were at Liberty to repledge a Felon, or other Malefactor, committed for a Crime done within that Jurisdiction, out of the Hands of the Crown Officers of Justice, and upon giving a slight Security, only for Form's Sake, that Judgment should be done, to proceed to acquit, to condemn, and to exempt, which they might do betwixt Sun and Sun after passing Judgment.

Some flagrant Abuses which had been made of those Powers, at last, called loudly out for the Attention, not only of the supreme Courts of Justice, but of the *British* Parliament. The former accordingly revived certain dormant Exercises of Jurisdiction over those petty Tyrants, and the latter passed an Act which fixed a Number of Days to be allowed to all Criminals condemned to die benorth the *Tweed*, which Time they were to live betwixt the Time of passing and executing their Sentences. But those Regulations did not take from the Heretable Jurisdctions their Powers over Life and Death, tho' they in a great measure prevented the tyrannical Exercise of the same. No Regulation all this while was introduced into their other and more dangerous Powers.

For Matters of Life and Death, of Dismem-
brings,

brings, Banishment, and other capital Punishments (which all Cases that affect the Character as well as the Life of a Party, are supposed by the Civil Law to be) are but rare; and excepting where the Party is rich, there is but small Temptation for a Judge to commit a flagrant Act of Cruelty or Injustice. But the Danger of those inferior Jurisdictions lay in the Command they had over Matters of Property within a certain Sum. As those Disputes daily and hourly happen, and as the Judges were paid for the Decrees they passed, out of the Fines and Mulcts they raised, or from a certain Proporsion of Poundage out of the Debt recovered, who does not see the prodigious Influence which such Powers must give them in a narrow Country, and the Temptation they were under of perverting Justice.

I shall forbear to treat upon this Subject in any other Light, than as it affects the personal and civil Liberties of a great Number of *Britons*, born to the Rights of Nature, and Fellow-Subjects under a Constitution more tender of those Rights than is any other Form of Government under the Sun. There is not, in all the Defects of Civil Government, a more gross Solæcism, than what is called *Imperium in Imperio*. An equal Government is simple, and ought to be uniform. Every Wheel that counter-acts its general Construction, and the Principles

Principles upon which it is form'd, creates sometimes Destruction, and always Disorder. This was an Inconveniency not enough attended to by the noble Patriots who formed and concluded the Treaty of Union.

The Truth is, that, at the Time when that Treaty was made, the State of the National Concern, and the Pragmatics for Succession to the Crown, which the two People had established, rendered the Conclusion of that Treaty in a Manner necessary, not only for establishing Peace betwixt the Nations, but for carrying the Succession of the Protestant Line to the Crown, into Effect. But, as Things then stood, this Necessity lay more strongly upon the *English* than it did upon the *Scots*; and I am under some Conviction, that several Inconveniencies were overlooked, that the general System might be kept intire, and because they might be obviated, by subsequent Acts of the *British* Legislature. This, I think, is evident from several of the Articles, which in their original Formation were incomplete, and which have been since amended by Acts of the *British* Parliament, to whose Alterations they were subjected by the Treaty of Union itself.

That the 20th Article calls aloud for such Amendment, is plain upon the Face of Things. It plainly establishes a Government within a Govern-

Government, and leaves thousands of free-born Subjects under Pressures which should be unknown to a free People. We might even here venture a Conjecture, which I hope will reflect no Dishonour or Imputation upon the Memory of those great Men, who were upon that Occasion appointed Commissioners on the Part of the *English*.

Can we then suppose that, admitting those Commissioners to have been thoroughly instructed in the Nature, the Influence, and the Extent of the Jurisdictions reserved by the 20th Article of the Union, that they would have agreed to it? Would they, at a Time when the Constitution of *England* was so modelled, refined from the Dregs of its Feodal Tenures, that the greatest Subject in it had not such a Power over his Inferiors, as by his Personal Interest to bring five Men into the Field? Would they, I say, at such a Time have agreed to a Clause which left it in the Power of hundreds of Subjects in *Scotland*, the highest not worth fifty Pounds a Year in Property, to lead their Hundreds into the Field, into the Teeth of Danger, and to the Defiance of Civil Government?

Can it be doubted, if, in this respect, the People of *Scotland* had been put upon the same Footing with those in *England*, that their Leaders would have been able to have given

ven the Disturbance they have given to the Peace of the Public? Does not all the World know, that a perpetual Judge of Property, which the Enjoyer of an Heretable Jurisdiction is, especially where no Jury passes between the Judge and the Party, (as in that Country none does in Civil Cases) that that Judge becomes the Proprietor, and if he will, the Tyrant of the People under him, if they either live far removed from the Fountain of supreme Justice, or (as is the Case with the poorer Sort of the *Scots*) if they have not Money to carry an Appeal to the higher Courts, in those Cases where an Appeal can be admitted? The Duration of Power in Magistrates was an Evil of which the *Romans* were of all other Evils the most jealous; and shall a *British* Legislature, who ought to think above whatever a *Roman* Senate thought, hesitate to abolish a Power in some of the lowest of their Subjects, which the *Romans* disdained in all the highest of theirs?

Where it is either tacitly or expressly understood, that the Judge is to give a Sanctuary for the Guilt that loads the Criminal; where Disobedience to the Laws of the Land is the only Means of being exempted from Injustice in Civil, and Cruelty in Criminal Cases, what Peace can a legal Government hope for? Yet this notoriously has been the Case in these Jurisdictions, where the Judges being themselves
Men

Men of neither Virtue nor Property, have made Use of the Power which their Jurisdictions gave them, in fixing their Dependants into the Practices of Rapine and Rebellion. Such Men, though they cannot serve Government, may spread Confusion; and though, in all Respects, despicable, when considered as Subjects, are dangerous when drawn in to be Traytors.

In the Lowland Parts of *Scotland* there is, it is true, more ready Accels to the chief Sources of Justice, than there is in Parts more remote from the Seats of Civil Governments, and the Heretable Proprietors of Jurisdictions have not of late been known to commit any flagrant Abuse of their Powers. But this is not owing to any legal Restraints upon those Jurisdictions which subsist in the Lowlands and not in the Highlands. It is owing to the Causes already hinted at. The Property which the inferior Ranks there have acquired by Commerce, Agriculture, Manufactures and Industry, especially since the Union, have put them more upon an Equality with their Superiors; and not only that Property but their Situation opens their Avenues of Justice to their Complaints and Appeals. Besides this, their Superiors themselves, by their Intercourse with *England*, receive more just Notions of Men and Things than they perhaps would have acquired

in the more remote Places of the Nation, where their Dependencies supply Property; where MAN is as it were the staple Commodity of the Country, and the People are void of every Sentiment that distinguishes human, from brute Nature, or Reason from Instinct.

I am, at the same Time, far from denying that many, nay most of the great Proprietors of the Highlands, are well affected to the present Government, and have given recent Proofs of their Loyalty. But this is a Merit *personal* to themselves: The Exercise of their Power is regulated by that of their Virtue, and the Fruits of the Loyalty they have received, are repayed by the Benefits they enjoy. They cannot however transmit their Virtues with their Lands; they cannot entail their Loyalty with their Estates. The Means, and consequently the Temptation of rushing into dangerous Rebellion, remain still the same; and not only past, but present, Experience proves, how entirely the Sentiments and Conduct of the lower Sort are directed by those of the higher.

The Government of *Great Britain*, in all its constituent Parts, ought to be perpetual; its Peace ought to depend not upon Accidents but Principles in themselves; eternal, and in their Consequences salutary. *Esto perpetua* (as was of late nobly observed by a great Authority) was the best Wish which Father *Paul* could

could exprefs for his favourite State of *Venice*. The Government of *England* has that to boast of above all Governments upon Earth, that it is compofed of fuch a happy Mixture of Powers and Properties, that nothing but what is next to the entire Extinction of all Sentiments of Public Virtue can pervert its Operations from the Good of Mankind. It is not the Vice or Vices of its Head or Minifters that can abolifh the eternal Principles upon which it is formed ; it is not partial or temporary Abufes of Power that can prevent its fwift Return to its firft Principles ; and the Liberties of the People thereby acquiring greater Strength, Dignity, and Security than before. Shall therefore the Imputation remain upon this Government, that thofe who live under its Allegiance are not fubject to its Power, nor directed by its Laws ? Can the Inhabitants of our *Gofhen* fuffer their Fellow Subjects to continue under worfe than *Egyptian* Darknefs, and be fcourged by fo many *Pharaohs* who know not *Joseph* ?

Having faid, I hope, enough in general to prove that thofe, in effect independent, Powers of Heretable Jurifdictions are reproachful to the Liberty, and dangerous to the Peace of *Britain* ; I fhall now proceed to confider the Objections that have or may be urged, why the Legislature ought not to repeal them, or

to make any Alteration in the 20th Article of the Treaty of Union.

The first, and, I think, most important Objection, is drawn from the Authority of that Treaty, the Foundation of which rests upon the Faith of Mankind, and its Top touches even the Settlement of the Crown of *Britain*. From this Consideration it ought to be sacred in the Eyes of every virtuous, dutiful Subject, and without self-evident Necessity, admit of no Alteration, even in those Cases which it expresses to be alterable by a *British* Parliament. As no such Expression is inserted in the Article now under our Consideration, it has been urged, that the said Article is not cognoscible, far less alterable by Parliament.

I shall not take up my Reader's Time with examining into the general Terms of this Proposition, or whether any Act or Constitution is exempted from the Cognizance of that absolute Power which must exist in every Government. But I shall take the Matter up upon the Face of the Article itself, which reserves all the *Jurisdictions and Offices in Question to the Owners thereof, as Rights of Property, in the same Manner as they were enjoyed by the Law of Scotland at the Time of the Union*.

But it never can, with the least Shadow of Truth or Reason, be pretended, that those Matters were enjoyed so as that they were not alter-

alterable, or repealable by the King and Parliament of *Scotland* ; or in other Words, by the Law of *Scotland* before the Union. If therefore, they are now enjoyed as they were by the Laws of *Scotland* before the Union, they are evidently enjoyed upon the Presumption that they are alterable or repealable by the King and Parliament of *Great-Britain*, in whom all the Powers of the King and Parliament of *Scotland* now rest, and are by that Treaty invested.

The *British* Legislature has already shewed itself of that Opinion, by passing those Acts I have already mentioned, by which Alterations were made, particularly with regard to the Days allowed to a Malefactor, betwixt the Time of his Sentence and that of Execution. From this it is evident, the Legislature conceived, that it had a Power of making Alterations in the Powers of those Jurisdictions, without infringing the Articles of the Union; and consequently that they did no more than what a King and Parliament of *Scotland*, before that Union, might have done.

The next Objection against what is proposed is, that those Jurisdictions, being declared by the Act of Union to be Matters of Property, it would be the highest Injustice in the Legislature to attempt to take them from the Proprietors, who are supposed to have paid for them

them an adequate Value, either in their own Persons, or by the Services of their Predecessors to the Crown.

I am entirely sensible of the moral Inability, which a Legislature is under, not to commit any Act of Injustice towards private Property; and how very tenderly that String, especially under the Guaranty of so solemn a Treaty as is that of the Union, ought to be touched. But we are, at the same Time, to reflect that there is not a Practice more early in the *British* Constitution; there is not a Principle better grounded in the general System of Equity, than that; though the Legislature cannot without some Offence committed by a Person or his Authors in a Property, take from him that Property, yet the Law may, *pro Bono Publico*, change the Species of that Property. Thus in building Bridges, making Roads, Inclosures, and Public Works, which add to the Conveniency, the Gracefulness, or the Safety of Society, the Laws every Day oblige Persons to accept of an Equivalent for their Property. If this is done where the Possession of that Property can be of no real Detriment to Society, farther than the obstructing a particular Work; how strongly does it imply, that it ought to take place in Matters of Property, where the possessing it reflects Dishonour upon the human Species, and threatens Danger to the *British* Constitution? That

That the Property of Jurisdictions is commutable by the Legislature is strongly admitted by the Bench, to which, by a higher Authority, the Matter we now treat of was referred. For though that honourable and learned Body have strongly implied their Inability to enter upon the Province assigned them; yet they have in very express Terms admitted, that the *British* Legislature might take from the Proprietors those Jurisdictions *upon giving them an Equivalent*. They have farther suggested several reasonable Expedients for remedying the Inconveniences which subsist, or may happen from the Enjoyment or Exercise of those Powers, as now existing; and they thereby allow, that though an Alteration is made in those Matters by the *British* Legislature, yet that they would stand upon the same Footing as they were before the Union, *viz.* alterable by the King and Parliament.

I shall not take upon me to enter more minutely upon the Discussion of this great Point, which is now under the highest Deliberation: What I have said will, I hope, sufficiently answer the Purposes I have proposed.

First, By shewing the Expediency and Necessity of the Measure itself; which would have been right if neither the Rebellion of 1745, nor that of 1715 had broken out.

Secondly,

Secondly, By answering the Objections, which the Disaffected and the Interested are so industriously propagating at this very time, as if a Measure were attempted that breaks into the Faith of Nations, by violating a Stipulation of the Union.

Thirdly, By laying open the true Sources of Disaffection in that unhappy Part of the Island, and thereby removing from the Inhabitants in general, those Imputations which crafty Treachery suggests, or credulous Zeal swallows.

There is not perhaps in Human Nature a Quality so amiable, nor in all the Current of History, Examples so great, as the Self-denial of Patriots, who have parted with the Possession of Power, which, if falling into wicked Hands, may have proved detrimental to their Country. A Man of Virtue may answer for himself, he cannot for his Successors, or his Posterity. He will therefore give the generous Precedent, and wisely conclude, that the Interest and Safety of himself, and every Individual in Society, is best consulted by providing for the Good of the whole.

But to bring these Pages at last to a Conclusion : If under his present Majesty, the Vitals of our Constitution are still sound ; if, were the House of *Hanover* now to resign the Sceptre, it could make the same noble Appeal before

before God and Man, that *Samuel* made, *Whose Ox have I taken, or whose Ass have I taken? Or whom have I defrauded, or whom have I oppressed?* If the worst of his Majesty's Enemies at home, or abroad, have never yet attempted to fix upon his Government any one Act, by which the People of *England* have Reason to call out with the People of *Israel*, *We will not have this Man to reign over us*; how can a *Protestant Briton* join in the clamour of Disaffection?

We have lived to that Crisis in which the Writings of all virtuous Oppositions, and the predictions of all worthy Patriots, have ever marked as the *Æra* of *British* Happiness. The Ministers who have the Honour now to serve his Majesty, are such as no dark Cabal of personal Favour, no low Intrigues of dirty interest, have raised; they are such as the confidence of our Allies abroad, and the voice of the People at home have pointed out to be trusted. The Measures pursued, are those which the eternal Maxims of a *British* Government, and the Experience of past Ages, have recommended. That temporary, that partial Inconveniences may arise under this, as have under all former Administrations, is possible: But are we, for that, to tamper with that general System of Government? Are we to move the Corner Stones of that fair, that

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flourishing Fabrick of Liberty, which makes *Britain* a Queen amongst Nations, which stamps Man with Dignity, which extends his Career of Glory beyond that of Life, and rewards the Toils of one by the Happiness of Millions.

Millions must have felt the dreadful Shock, when the Liberties of *England* were threatened to be laid in the Dust by the late Rebellion ; Millions must feel it, should the like Attempt be renewed. It is a virtuous Unanimity without departing however from that public Jealousy, which is connected with the Spirit of Liberty, that alone can prevent a Return of the mighty Calamity. When this Unanimity is effected, when our deluded Fellow-Subjects in *Scotland* are, by the Lenity, the Cares of Government brought to a *better BEING* ; when the Distribution of civil Justice is as *equal*, as we hope the Constitution of our Country will be *perpetual*, then let the *Vipers of Liberty* lick the *File* ; let them with *vain*, tho' *venemous* Efforts, spill their own Blood, in endeavouring to weaken that impregnable Tower of Defence, the present Establishment, which is built upon the Rock of Liberty, against which, may the Gates of *Rome*, the Attempts of dark Treason, nor the Arms of open Rebellion, never prevail.

F I N I S.



